

REMARKS

Overview

Claims 1-15 were pending in the present application. The present response is an earnest attempt to advance the application to allowance. Towards that end, new claims 16-20 are added. Reconsideration is respectfully requested.

Drawings

Applicant gratefully acknowledges the finding that the drawings are acceptable.

Specification Objection

The term "manipulative piece" has been changed to just "piece". This is submitted to moot the Examiner's objection to the specification.

Claim Rejections Under 35 U.S.C. § 112

Likewise, the elimination of "manipulative" from the claims is submitted to moot this rejection to claims 4-15.

The Examiner has raised a question whether claims 6 and 14 are intended to cover a subcombination or a combination. The claims are written to cover the combination. However, new claim 16 does not include a "roll".

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 3 and 6 have been rejected as anticipated by Mosher, U. S. Patent No. 6,782,648 ("Mosher"). This rejection is respectfully traversed.

Mosher discloses no more than a conventional wrist identification band of the type used in hospitals, amusement parks, and the like. The focus of Mosher is on a production method for such wristbands. The Mosher I.D. bands are conventional in the sense they are made of flexible but not stretchable plastic material. A separate adhesive is placed at one end of the material. Information or indicia is printed on or attached to another location on the material. Mosher has no disclosure of a method or device for body or hair accessorizing. It is limited to a wristband. It is further limited to a patch of adhesive 48 on one end of the material. However, to advance prosecution of the present application, one aspect of Applicant's invention is emphasized in amended independent claim 1. The material of which the strip of Applicant's method claim 1 is created is defined to be "repeatedly self-adherent but not securely adherent to skin or hair, resiliently stretchable; and wrappable and conformable to itself, body part or strands of hair". Support for these limitations can be found at least at Applicant's specification, page 3, lines 28-21, and page 4, lines 3 and 23.

The specific differences in Applicant's claim 1 provide functional differences and advantages over Mosher. For example, the material of Applicant's claim 1 itself is self-adherent. There is no need for a separate addition of adhesive patch 48 as with Mosher. Furthermore, Applicant's claim 1 does not require "one-size-fits-all" as would be required with Mosher. Applicant's claim 1 allows the strip to wrap and self-adhere at any point. Mosher also does not disclose stretch ability or resiliency, which characteristic allows Applicant's invention to be stretched and bind hair or wrap in close conformance to a body part.

For at least these reasons, it is respectfully submitted Applicant's submitted claim 1 is not anticipated by Mosher.

Claim 3 is dependent from claim 1 and submitted to be allowable for the reasons expressed in support of claim 1.

Independent claim 6 is also submitted to be allowable over Mosher in its original form. However, to further prosecution of this application, an aspect similar to that in claim 1 is emphasized in amended claim 6. For the reasons expressed above regarding claim 1, it is submitted claim 6 is not anticipated by Mosher and is allowable there over.

Claims 6 and 8-10 have been rejected as anticipated by Davis, U. S. Patent No. 2,399,545. This rejection is respectfully traversed.

Independent claim 6 has been amended as previously described. Davis discloses what it describes as a modification of conventional adhesive tape. Instead of adhesive applied along one entire side of the fabric tape backing, it is applied only in sections or parts of one side. Davis states that this allows for easier removal of the adhesive tape from skin. Applicant's material is inherently not securely adherent to skin so the issue of removal from skin is not relevant. A second feature of Davis is nicks or perforations along the fabric tape edges to allow easier separation of pieces of the tape, instead of requiring scissors to cut it. Last, perforations throughout the tape in claim 2 produce some breath ability with the tape.

For the reasons expressed previously, it is respectfully submitted Davis does not anticipate Applicant's amended claim 6. Davis does not teach that its strip material itself (the fabric backing) is self-adherent. It requires the addition of adhesive in certain locations. Also, adhesive is intentionally created to adhere to skin, unlike Applicant's claim 6. Therefore, it is respectfully submitted claim 6 is not anticipated by Davis.

Claims 8-10 are dependent from claim 6 and are submitted to be allowable for the reasons expressed in support of claim 6.

Claim Rejections Under 35 U.S.C. § 103

Dependent claim 2 has been rejected as obvious based on Mosher. This is respectfully traversed. There is nothing found in Mosher to even suggest the material could be stretchable and formed in tension. Furthermore, to stretch and wrap in tension is antithetical to an identification wristband. One does not want to cut circulation off to the user's wrist. For the reasons expressed above, Mosher also lacks specific limitations of amended base claim 1. Therefore, it is submitted claim 2 is allowable over Mosher and is not obvious in light of Mosher.

Dependent claims 4-5 are rejected as obvious based on Mosher in combination with Scheggetman, U.S. Patent No., 6,004,643. This rejection is respectfully traversed. Scheggetman relates to self-adhesive labels such as the type put on supermarket shelves. It requires a label and then a separate layer of adhesive. Scheggetman states its improvement is applying adhesive to a release layer. The release layer is then applied to the label. When the release layer is removed, the adhesive stays on the label. The adhesive has a special formulation that sticks better to the label than the release layer. Scheggetman does not fill in the gaps of limitations in Applicant's claim 1 missing from Mosher. Therefore, for reasons expressed previously, claims 4 and 5 are not obvious over the combination of Mosher and Scheggetman.

Dependent claim 7 has been rejected as obvious in light of Davis in view of Esmay, U.S. Patent No. 4,522,870. Esmay is directed towards a "linerless double-coated pressure-sensitive adhesive tape". In particular, formulation of the tape is claimed to avoid having to have liners or release sheets on sides of the tape. It does not disclose, teach or suggest the limitations of base claim 6. Therefore, it is submitted claim 7 is allowable for the reasons expressed in support of claim 6. Esmay does not fill in any gaps missing in Davis relative to claim 6.

Dependent claim 13 has been rejected as being obvious based on Mosher. Claim 13 is dependent on claim 6 and submitted to be allowable for the reasons expressed in support of claim 6.

Dependent claim 11 has been rejected as being obvious based on a combination of Mosher and Vesey, U.S. Patent No. 6,455,752. Vesey discloses conventional adhesive bandages with a set of separate decorative elements. The decorative elements can be cut out and applied to the back of the adhesive bandage. However, the back of the adhesive bandage is simply a plastic film, foam or fabric. The stickers are conventional stickers. They have adhesive on one side and a release sheet. Therefore, even the combination of Davis and Vesey does not meet the limitations of the independent claims in Applicant's application, as amended. It is submitted that claim 11 is allowable over the combination of Davis and Vesey for the reasons expressed above.

Claims 6 and 12 have been rejected as obvious based on McAllister, Published U. S. Application No. 2003/0009921 A1, in combination with Mosher. McAllister discloses strips of material on which can be printed information or indicia. The material inherently has static cling properties. The strip can thus be put in a loop to adhere opposite ends; but by "static cling". It specifically states it was developed to avoid use of adhesive.

McAllister specifically does not use adhesive. It has no teaching of the combination of limitations of Applicant's amended claim 6 and dependent claim 12, even if combined with Mosher. It is therefore respectfully submitted claims 6 and 12 are allowable over McAllister in view of Mosher.

Claims 14 and 15 have been rejected as obvious based on Davis. Claims 14 and 15 specifically describe two rolls of material with certain properties. This is not taught nor suggested in Davis. It is submitted that claims 14 and 15 are allowable over Davis.

New Claims

New claims 16-20 have similar limitations to the amended claims 1-15. New claim 16 is very similar to claim 6 except it deletes any reference to a roll of the material. It is submitted it is allowable over the cited references for its specific characteristics of the material as described previously.

New claim 18 is a kit claim that includes two rolls of the material with the characteristics described previously.

It is believed these claims are allowable for the reasons expressed in support of the other claims.

Conclusion

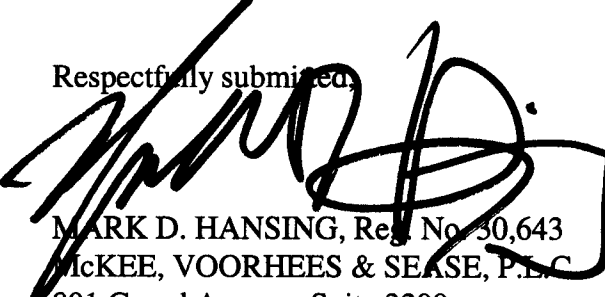
It is respectfully submitted that all matters raised in the present response have been addressed and remedied and that the application is in form for allowance. Applicant's specification discusses in detail why the characteristics of the material set forth in the presently amended claims can advantageously produce ornamental and functional accessorizing for hair or body parts. It is respectfully submitted the claims, as amended, define aspects of Applicant's invention which are neither anticipated nor obvious based on any of the references, either singly or in combination. This is submitted to be also true for new claims 16-20.

Please consider this a three-month extension of time from May 24, 2006 to August 24, 2006 and charge Deposit Account No. 26-0084 the amount of \$510.00 for this extension as a small entity. Please also charge Deposit Account No. 26-0084 the amount of \$200.00 for two new independent claims over three (\$100 each). Accompanying this response is a Request Change of Entity Status to small entity and a revocation of appointment of new Power of

Attorney. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Mark D. Hansing', is written over the typed name and firm name.

MARK D. HANSING, Reg. No. 30,643

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Enclosures